1944

File No. B. Non-Urban Labour Housing and Sanitation 44

Legal Department
B BRANCH

Subject:— Governor's Bill No 8 of 1944.

A Bill to regulate housing and Sanitary Conditions of Labour in non-municipal areas

(Bom. VI of 1944)

E page 16. 1944 44

File No. B. Non Urban Labour Housing and Sanitation/44

Gen. 101 e.

258 B

Office of the R.L.A.

A revised draft Bill is sent herewith.

2. Clause 2: The definition of the expression "orders" included in the G.D. draft Bill is unnecessary and has been deleted. It is necessary to define the term "infections or contagious disease" used in clauses 3(2)(j) and 9 of the revised draft Bill. A suitable definition empowering the Provincial Government to specify such disease by notification in the ~~offici~~ Official Gazette, has been inserted in clause 2 of the revised draft Bill.

3. Clause 3 of the G.D. draft Bill: In view of the definition of the expression "Controlling Officer" in clause 2(1) of the revised draft Bill, this clause is unnecessary and has therefore been deleted.

4. Clause~~s~~ 4 of the G.D. draft Bill~~s~~: this clause is superfluous and unnecessary. It has, therefore, been deleted.

5. Clause 5 of the G.D. draft Bills: The provision ofthis clause are included in clause 12 of the revised draft Bill.

6. Clauses 6 and 7 of the G. D. draft Bill: The provisions of these clauses are revised and incorporated in clause 4 of the revised draft Bill.

7. Clauses 5 and 6 of the revised draft Bill correspond to clauses 8 and 9 of G.D. draft Bill.

8. Clause 10 of the G.D. draft Bill: The provisions of sub-clauses (1) and (2) of this clause are incorporated in clause (7) of the revised draft Bill. The provisions of sub-clause (3) are covered by the provision in clause 12 of the revised draft Bill. A provision has been inserted in sub-clause (3) of clause ofthe revised draft Bill on thelines of the provisions in sectio 64-A of the Bombay Abkari Act, 1878, empowering Government to make certain orders regarding licenses. ~~I~~ It is necessary to provide in the Bill a penalty for keeping an eating house withou a license. The necessary provision is made in clause 7(4) of th revised draft Bill.

9. Clauses 9 and 8 of the revised draft Bill correspond to clauses 11 and 12 of the G. D. draft Bill. Clause 9 provides

...ormation being given to the Controlling Officer about any person suffering from an infectious or contagious disease in an eating house. There is no provision in the Bill as to what further steps the Controlling officer should take after receipt of such information. G.D. should consider this point.

10. Clause 10 of the revised draft Bill corresponds to clause 13 of the G.D. draft Bill. Clauses 11 and 13 of the revised draft Bill correspond to clauses 15 and 16 of G.D. draft Bill.

11. Clause 12 of the revised draft Bill confers power on the Controlling Officer to insepect places. It is for consideration of the G.D. whether provision should be made conferring power on any person to inspect persons to verify whether he is suffering from any infectious or contagious disease. The power will have to be appropriately conferred on a Medical Officer.

12. The provisions of clause 14 of the G.D. Bill are incorporated in clause 3 of the revised draft Bill. They are recast and transposed as at present on the lines of section 2 of the Defence of India Act, 1939. The provision in sub-clause (h) of clause 14 of the G.D. draft Bill is included in clause 7(3) of the revised draft Bill and has therefore been deleted from the revised draft clause 3. It appears that the provisions in sub-clause (k) of clause 14 of the G.D draft Bill has reference to the provision in clause 13 there-of corresponding to clause 10 of the revised draft Bill. In view of the specific provision contained in this letter clause empowering the Controlling Officer to prohibit the employment of any person suffering from an epidemic disease, no regulation in this respect under revised clause 3 is necessary. The provision, therefore, has been deleted from the clause.

13. It is presumed that the provisions of the Bill are not intended to apply to factories or places to which the Factories Act, 1934, applies. Clause 14 of the revised Draft Bill provides accordingly.

14. The subject matter of the Bill falls under entries 2 14, 19 and 37 of the Provincial Legislative List, and entries 1,

15 and 27 of the Concurrent Legislative List. under executive instructions, the Bill requires the previous approval of the Governor General before enactment. As none of the provisions of the Bill is repugnant to the provisions of any existing Indian law with respect ~~x~~ to any matter of ~~any existing~~ in the Concurrent Legislative List it is not necessary to reserve the Bill for consideration of the Governor General with reference to section 107(2) of the Government of India Act.

15. The draft statement at pages 153-155 ante is legally in order.

Id/-
P.N.M.
11-9

Remembrancer of Legal Affairs.

U.R. to G.D. No. 7360 dated the 12th September 1942.

S.C. 16/7
4 copies.

Office of the R.L.A.

The draft Bill (except clause 11) and the statement as slightly amended are in order.

2. Sub-clause (1) of clause 11 of the draft Bill as amended by G.D. is not in order. From Governor's Secretary's Memo. dated the 11th March 1943 at pages 85-86 ante (paragraph 3(3) it appears that the intention is to make a provision for compulsory inoculation and vaccination or revaccination after employment. To carry out this intention the following draft of the sub-clause is suggested for G.D.'s consideration .-

"11(1) When in any area there is an outbreak of epidemic disease the Provincial Government may issue a notification to that effect in the Official Gazette and during the period the notification is in force, the controlling officer may by order require that no employer in the said area shall retain in his employment any person if that person or any of the members of his household is not inoculated, vaccinated or revaccinated against the disease within ..... days of the date of the order made by the controlling officer or within .....*..... from the date of employment of such person whichever is later.".

3. The subject-matter of the Bill as amended falls under entries 2, 14,19,27,29 and 37 of the Provincial Legislative List and entries 1,2,15 and 27 of the Concurrent Legislative List, Since the Bill does not exclude factories from its scope it appears on reconsideration, although the point is not free from doubt, that the Bill as a whole and clause 4 in particular also touches upon entry 26 of the Concurrent Legislative List and would appear to be repugnant to provisions of Chapter III of the Factories Act, 1934 which is an existing Indian Law with respect to entry

Concurrent Legislative List. It is, therefore, desirable to reserve the Bill for consideration of the Governor-General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935

Id/-
P.N.M.

Remembrancer of Legal Affairs.

U.R. to G.D. No. 3004 , dated the 22nd April 1943.

S.C. 16/7
4 copies.

No. 1500

Legal Department.
Bombay Castle, 25th February 1944.

From

P.H.Koos, Esquire, Bar-at-law, I.C.S.
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject .- The Non-Urban labour Housing Sanitation and Provision Shops Bill, 1944.

Sir,

With reference to your memorandum No. 201(78), dated the 16th December 1943, addressed to the General Department, on the above subject, I am directed to forward herewith a copy of the Non-Urban Labour Housing Sanitation and Provision Shops Bill, 1944, prepared by His Excellency the Governor of Bombay under paragraph (2) of the Proclamation dated the 4th November s 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill as amended falls under entries 2, 14,19,27 and 37 of the Provincial Legislative List and entries 1,2,15 and 27 of the Concurrent Legislative List. Since the Bill does not exclude factories from its scope it appears that although the point is not free from doubt , the Bill as a whole and clause 4 in particular also touches upon entry 26 of the Concurrent Legislative List and would appear to be repugnant to the provisions of Chapter III of the Factories Act, 1934, which is an existing Indian Law with respect to entry 26 in the Concurrent Legislative List. It is, therefore, desirable to reserve the Bill for consideration of the Governor-General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. I also forward herewith six spare copies of the Bill out ofwhich five copies are for transmission to the Secretary to the Governor-General (public)

Yours obedient Servant.

Id/- P.H.K.
25-2-44

Secretary to Government,
Legal Department.

Through

The Secretary to Government.
General Department.

No. 201(79)
Office of the Governor's Secretary
Government House,
Bombay, 21st April 1944.

From

D. Symington, Esquire, CIE, ICS
Secretary to the Governor, Bombay.

To

The Secretary to Government,
Legal Department.
Secretariat, Bombay.

Subject .- The Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Bill, 1944.

Sir,

With reference to your letter No. 1500, dated 25th February 1944, on the above subject, I am directed to forward herewith the copy of the Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Bill, 1944, with His Excellency the Governor-General's assent signified thereon.

2. It has been pointed out that the marginal reference to section 4 against section 7 of the Bill is an error for section 5 and has accordingly been corrected in the authentic copy.

Your obedient servant.

Sd/-
For Secretary to the Governor of Bombay

S.C. 16/7
4 copies.

Acts.

Publication of the Bombay Non-Urban Labour Housing, Sanitation and Provisions Shops Act, 1944.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 3092
Bombay Castle, 25th April 1944.

Letter to the Secretary to the Governor, No. 1500, dated the 25th February 1944.

Letter from the Secretary to the Governor, No. 201(79), dated the 21st April 1944.

"With reference to your letter No. 1500, dated 25th February 1944, on the above,subject, I am directed to forward herewith the copy ofthe Bombay non-Urban Labour Housing, Sanitation and Provision Shops Bill, 1944, with his Excellency the Governor-General's assent signified thereon."

RESOLUTION .- The law should be published as Bombay Act No. VI of 1944, in the Bombay Government Gazette dated the 25th April 1944.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay.

K.M.Chitnis.

P.N.MCos.

For Secretary to Government.

To

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department.)
The General Department.
*The Oriental Translator to Government;
The Secretary to the Bombay Legislative Assembly;
The Secretary to the Bombay Legislative Council.
} With a copy of the Act.

* with five extra copies.

S.C. 16/7
4 copies.

Office of the R.L.A .

The draft Notification at page 205 ante, is in order.

Sd/- P.N.M.
15-5-44

Remembrancer of Legal Affairs.

U.R. to G.D., No. 3489 , dated the 15th May 1944.

NOTIFICATION.
General Department.
Bombay Castle, 1944.

The Government of India Act, 1935.

No. 5220/33.- In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is pleased to direct that the Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Act, 1944, (Bom. VI of 1944), shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay.

Under Secretary to Government.

65 IC 423

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 25TH APRIL 1944.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 16th April 1944 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VI OF 1944.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 25th April 1944.)

An Act to provide for opening of provision shops for and regulating the housing and sanitary conditions of non-agricultural labour in certain areas in the Province of Bombay.

WHEREAS it is expedient to provide for the opening of provision shops for and regulating the housing and sanitary conditions of non-agricultural labour in areas outside the municipal and cantonment limits;

And whereas the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under

section 93 of the Government of India Act, 1935, 26 Geo. 5, Ch. 2. all powers vested by or under the said Act in the Provincial Legislature;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Act, 1944.

(*2*) It extends to the whole of the Province of Bombay excluding the municipal and cantonment areas.

(*3*) This section shall come into force at once and the Provincial Government may by notification in the *Official Gazette* direct that the remaining provisions of this Act shall come into force in such area and on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "controlling officer" means an officer appointed as such for any area by the Provincial Government by a notification published in the *Official Gazette*;

(*2*) "eating-house" means any premises to which the public are admitted and where any kind of food or drink is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

(*3*) "employer" means a person employing whether by daily or monthly wages on piece-work or otherwise at any one time not less than such number of labourers as the Provincial Government may from time to time fix by notification in the *Official Gazette* on work other than agricultural work :

Explanation.—For the purposes of this definition—

(*a*) work connected with the cultivation of sugar-cane or the preparation of *gur* or sugar from sugar-cane shall not be deemed to be agricultural work ; and

(*b*) labourers employed by a sub-contractor shall be deemed to be employed by the contractor;

(*4*) " quarters " includes—

(*a*) a building, house, outhouse, stable, shed, hut or other structure, whether permanent or temporary, and whether of masonry, brick, wood, mud or any other material whatever ; and

(*b*) any place used for residence, temporary or permanent, by any person or for the tethering or herding of any animals, even though no structural protection is provided ; and

(*5*) " infectious or contagious disease " means a disease specified as such by the Provincial Government by notification in the *Official Gazette*.

Information to be given regarding nature of employment.

3. (*1*) Every employer shall, as soon as possible and not later than a week from the date the work was started or, where the work has started before the commencement of this Act, within a week of the coming into force of this Act in the area in which the work is carried on, supply to the controlling officer information regarding—

(*a*) the nature of the work in which labourers are employed by him, and

(*b*) the number of such labourers.

(*2*) If any person contravenes the provisions of sub-section (*1*) he shall be punishable with fine which may extend to fifty rupees.

Power to make regulations.

4. (*1*) The Provincial Government may, from time to time in respect of any area or any employer, make such regulations as appear to it to be necessary or expedient for regulating the housing and sanitary conditions of and opening provision shops for non-agricultural labour.

(*2*) Without prejudice to the generality of the foregoing provision, regulations may be made for all or any of the following matters, namely :—

(*a*) the provision of plinths for and adequate ventilation and lighting in quarters ;

(*b*) the provision of adequate open space around quarters;

(*c*) the prevention of overcrowding in quarters;

(*d*) the prescription of adequate floor area per person in quarters;

(*e*) the provision of proper drainage and sanitary conveniences; maintenance of sanitary staff;

(*f*) the provision of an adequate and wholesome supply of water for all employed labour;

(*g*) the provision of grain and grocery shops;

(*h*) the prevention of the use or fouling of any source of water, and the disinfection thereof;

(*i*) the provision of medical aid and first aid attention;

(*j*) the provision of lighting;

(*k*) segregation of persons suspected to be suffering from an infectious or contagious disease.

Power to order alterations in housing and sanitary arrangements, etc.

5. (*1*) When in the opinion of the controlling officer, the housing or sanitation arrangements in respect of any labourers do not comply with any regulation made under section 4, he may serve an order on any employer requiring him to make such alterations in the said arrangements, or to comply with such conditions or to take such action, and within such time as may in the controlling officer's opinion be necessary to ensure compliance with the regulation.

(*2*) Every such order shall be served on an employer—

(*a*) personally by delivering or tendering it to him, or

(*b*) through an agent by delivering or tendering it to him, or

(*c*) by post, under a certificate of posting;

For the purpose of clause (*c*) service of an order shall be deemed to have been effected at the time at which it would be delivered in the ordinary course of post.

(3) An employer aggrieved by any order made under sub-section (1) may appeal to the Collector within seven days from the date of the service of the order on him :

Provided that no appeal shall lie in any case where the controlling officer certifies at the time of making the order that delay in complying with the order will be seriously prejudicial to public health.

(4) The Collector may in any case suspend the execution of any order pending decision of the appeal, subject to such conditions as to partial compliance with the order or the adoption of temporary measures as he may deem fit to impose.

(5) Every order passed by the Collector in appeal shall be final.

Controlling officer may execute work and recover cost.

6. Where under any order made under section 5 an employer is required to carry out any work and the employer makes a default in carrying it out within the time specified in the order then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the controlling officer may cause the said work to be carried out and the cost thereof shall be recoverable from the employer as an arrear of land revenue.

Penalty for contravention of orders under section 5.

7. If any person fails to comply with any order made under section 5 he shall be punishable with fine which may extend to a hundred rupees and in the case of a continuing offence with additional fine which may extend to fifty rupees for every day after the first during which the offence continues.

Licensing of eating-houses.

8. (1) No person shall keep an eating-house without a license granted by the controlling officer.

(2) Every such license shall specify the period for which, and conditions subject to which, it is granted.

(3) The Provincial Government may, by general or special order—

(a) prohibit the grant of such licenses in any area or any such license to any person ;

(b) direct that such licenses shall be granted to any persons specified in the order ;

(c) prescribe the procedure to be followed before granting the licenses ;

(*d*) prescribe the period for which and the conditions subject to which the licenses shall be granted ; and

(*e*) issue such other instructions in any matter pertaining to the grant or otherwise of the licenses as the Provincial Government may deem proper.

(*4*) If any person contravenes the provisions of sub-section (*1*), he shall be punishable with fine which may extend to a hundred rupees for the first offence and to five hundred rupees for a subsequent offence.

Cancellation of license.

9. (*1*) The controlling officer may, after recording his reasons by order in writing, cancel any license granted under section 8 for a breach of any of its conditions.

(*2*) The order shall be served on the holder of the license in the manner provided in sub-section (*2*) of section 5 for service of an order on an employer.

(*3*) A holder of a license aggrieved by an order made under sub-section (*1*) may appeal to the Collector within three days from the date the order is served on him. Every order passed by the Collector in appeal shall be final.

Information to be given of cases of infectious and contagious diseases.

10. (*1*) When any person in an eating-house is suffering from any infectious or contagious disease, the keeper of the eating-house, or in his absence from the eating-house the manager of the eating-house, shall as soon as possible inform the controlling officer accordingly.

(*2*) The controlling officer on receipt of information under sub-section (*1*) shall take the necessary steps for the segregation of such person.

(*3*) If any person contravenes the provisions of sub-section (*1*), he shall be punishable with fine which may extend to fifty rupees.

Compulsory inoculation in cases of epidemics.

11. (*1*) When in any area there is an outbreak of epidemic disease the Provincial Government may issue a notification to that effect in the *Official Gazette* and during the period the notification is in force, the controlling officer may by order require that no employer in the said area shall retain in his employment any person if that person or any of the members of his household is not inoculated, vaccinated or revaccinated against the disease

within twelve days of the date of the order made by the controlling officer or within twelve days from the date of employment of such person whichever is later.

(2) If any person fails to comply with any order made under sub-section (1), he shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with an additional fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

Controlling officers to be public servants.

12. All controlling officers shall be deemed to be public servants within the meaning of the Indian Penal Code. XLV of 1860.

Power of controlling officer to enter and inspect places.

13. The controlling officer or a person authorised by him in writing in this behalf may enter and inspect any place within his jurisdiction for the purpose of verifying whether the provisions of this Act and of the regulations and orders issued thereunder are being complied with.

Protection to persons acting under this Act.

14. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

STATEMENT

Epidemics of cholera in the Province of Bombay which caused a large number of deaths were found to have originated in congregations of labourers employed in canal areas in connection with the crushing, etc., of sugar-cane.

2. Labourers' housing conditions in these areas, including those of some sugar factories, are incompatible with decent sanitation. The temporary huts often consist of brush-wood, thatch or bamboo matting without any plinth, and with no windows or other means of ventilation except an opening which serves as a door. Inside the huts no person can stand upright. Often no adequate provision is made for supply of drinking water. Too frequently, it is obtained from the nearest nulla or irrigation channel or stagnant pool of percolation water, all of which sources are normally polluted by human and animal excreta and by manures from crops which are washed down into the water. Latrines are seldom provided, and the banks of irrigation channels and of other water supplies are resorted to for the purposes of nature. It is obvious that such conditions afford an ideal field for the rapid extension of cholera and similar diseases.

3. At the present time, the War Department has to erect a large number of camps, stores, and other constructions for purposes in connection with the war, and large bodies of labour are collected by contractors for such works, and in the year 1942 cholera appeared in at least one such camp. Though conditions in these camps, largely owing to lack of water, are not normally so dangerous as in the sugarcane areas, they constitute centres of infection which may at any time, by reason of an epidemic breaking out, affect the general public, quite apart from the loss of life among the labourers themselves.

4. During the year 1943, 7,797 deaths were reported from cholera epidemic in the Province. During the same year 629 deaths were reported from plague. The danger of these diseases breaking out is always potent, more so at present on account of the abnormal times through which we are passing.

5. It is impossible for the Government of Bombay now to neglect the potential danger of assemblies of labourers under conditions which are peculiarly liable to endanger the health of the Province. In municipal areas, such assemblies can be controlled under the municipal sanitary and building by-laws and rules. Outside municipal areas, speaking broadly, sanitary regulations are the concern of the district local boards. The district local boards have in few, if any, cases made any general sanitary regulations, neither have they the staff to enforce such sanitary regulations, nor the funds to pay for such staff on the requisite scale.

6. The Government of Bombay, therefore, finds it desirable to take powers themselves to control such labour housing and sanitation in areas outside municipal and cantonment limits, and to make orders which will ensure that employers of labour provide reasonable sanitary conditions and open provision shops for their labour in such areas. The Act will confer these powers on Government.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Bombay Act No. VI of 1944

~~GOVERNOR'S BILL No. OF 1944.~~

An Act

~~A Bill~~ *to provide for opening of provision shops for and regulating the housing and sanitary conditions of non-agricultural labour in certain areas in the Province of Bombay.*

WHEREAS it is expedient to provide for the opening of provision shops for and regulating the housing and sanitary conditions of non-agricultural labour in areas outside the municipal and cantonment limits;

And whereas the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Act, 1944.

(*2*) It extends to the whole of the Province of Bombay excluding the municipal and cantonment areas.

(*3*) This section shall come into force at once and the Provincial Government may by notification in the *Official Gazette* direct that the remaining provisions of this Act shall come into force in such area and on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "controlling officer" means an officer appointed as such for any area by the Provincial Government by a notification published in the *Official Gazette*;

(*2*) "eating-house" means any premises to which the public are admitted and where any kind of food or drink is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

(*3*) "employer" means a person employing whether by daily or monthly wages on piece-work or otherwise at any one time not less than such number of labourers as the Provincial Government may from time to time fix by notification in the *Official Gazette* on work other than agricultural work :

Explanation.—For the purposes of this definition—

(*a*) work connected with the cultivation of sugar-cane or the preparation of *gur* or sugar from sugar-cane shall not be deemed to be agricultural work ; and

(*b*) labourers employed by a sub-contractor shall be deemed to be employed by the contractor;

(*4*) "quarters" includes—

(*a*) a building, house, outhouse, stable, shed, hut or other structure, whether permanent or temporary, and whether of masonry, brick, wood, mud or any other material whatever ; and

(*b*) any place used for residence, temporary or permanent, by any person or for the tethering or herding of any animals, even though no structural protection is provided ; and

(*5*) "infectious or contagious disease" means a disease specified as such by the Provincial Government by notification in the *Official Gazette*.

Information to be given regarding nature of employment.

3. (*1*) Every employer shall, as soon as possible and not later than a week from the date the work was started or, where the work has started before the commencement of this Act, within a week of the coming into force of this Act in the area in which the work is carried on, supply to the controlling officer information regarding—

(*a*) the nature of the work in which labourers are employed by him, and

(*b*) the number of such labourers.

(*2*) If any person contravenes the provisions of sub-section (*1*) he shall be punishable with fine which may extend to fifty rupees.

Power to make regulations.

4. (*1*) The Provincial Government may, from time to time in respect of any area or any employer, make such regulations as appear to it to be

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necessary or expedient for regulating the housing and sanitary conditions of and opening provision shops for non-agricultural labour.

(2) Without prejudice to the generality of the foregoing provision, regulations may be made for all or any of the following matters, namely :—

(a) the provision of plinths for and adequate ventilation and lighting in quarters ;

(b) the provision of adequate open space around quarters ;

(c) the prevention of overcrowding in quarters ;

(d) the prescription of adequate floor area per person in quarters ;

(e) the provision of proper drainage and sanitary conveniences ; maintenance of sanitary staff ;

(f) the provision of an adequate and wholesome supply of water for all employed labour ;

(g) the provision of grain and grocery shops ;

(h) the prevention of the use or fouling of any source of water, and the disinfection thereof ;

(i) the provision of medical aid and first aid attention ;

(j) the provision of lighting ;

(k) segregation of persons suspected to be suffering from an infectious or contagious disease.

Power to order alterations in housing and sanitary arrangements, etc.

5. (1) When in the opinion of the controlling officer, the housing or sanitation arrangements in respect of any labourers do not comply with any regulation made under section 4, he may serve an order on any employer requiring him to make such alterations in the said arrangements, or to comply with such conditions or to take such action, and within such time as may in the controlling officer's opinion be necessary to ensure compliance with the regulation.

(2) Every such order shall be served on an employer—

(a) personally by delivering or tendering it to him, or

(b) through an agent by delivering or tendering it to him, or

(*c*) by post, under a certificate of posting;

For the purpose of clause (*c*) service of an order shall be deemed to have been effected at the time at which it would be delivered in the ordinary course of post.

(*3*) An employer aggrieved by any order made under sub-section (*1*) may appeal to the Collector within seven days from the date of the service of the order on him :

Provided that no appeal shall lie in any case where the controlling officer certifies at the time of making the order that delay in complying with the order will be seriously prejudicial to public health.

(*4*) The Collector may in any case suspend the execution of any order pending decision of the appeal, subject to such conditions as to partial compliance with the order or the adoption of temporary measures as he may deem fit to impose.

(*5*) Every order passed by the Collector in appeal shall be final.

Controlling officer may execute work and recover cost.

6. Where under any order made under section 5 an employer is required to carry out any work and the employer makes a default in carrying it out within the time specified in the order then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the controlling officer may cause the said work to be carried out and the cost thereof shall be recoverable from the employer as an arrear of land revenue.

Penalty for contravention of orders under section 4.

7. If any person fails to comply with any order made under section 5 he shall be punishable with fine which may extend to a hundred rupees and in the case of a continuing offence with additional fine which may extend to fifty rupees for every day after the first during which the offence continues.

Licensing of eating-houses.

8. (*1*) No person shall keep an eating-house without a license granted by the controlling officer.

(*2*) Every such license shall specify the period for which, and conditions subject to which, it is granted.

(*3*) The Provincial Government may, by general or special order—

(*a*) prohibit the grant of such licenses in any area or any such license to any person ;

(*b*) direct that such licenses shall be granted to any persons specified in the order;

(*c*) prescribe the procedure to be followed before granting the licenses;

(*d*) prescribe the period for which and the conditions subject to which the licenses shall be granted; and

(*e*) issue such other instructions in any matter pertaining to the grant or otherwise of the licenses as the Provincial Government may deem proper.

(*4*) If any person contravenes the provisions of sub-section (*1*), he shall be punishable with fine which may extend to a hundred rupees for the first offence and to five hundred rupees for a subsequent offence.

Cancellation of license.

9. (*1*) The controlling officer may, after recording his reasons by order in writing, cancel any license granted under section 8 for a breach of any of its conditions.

(*2*) The order shall be served on the holder of the license in the manner provided in sub-section (*2*) of section 5 for service of an order on an employer.

(*3*) A holder of a license aggrieved by an order made under sub-section (*1*) may appeal to the Collector within three days from the date the order is served on him. Every order passed by the Collector in appeal shall be final.

Information to be given of cases of infectious and contagious diseases.

10. (*1*) When any person in an eating-house is suffering from any infectious or contagious disease, the keeper of the eating-house, or in his absence from the eating-house the manager of the eating-house, shall as soon as possible inform the controlling officer accordingly.

(*2*) The controlling officer on receipt of information under sub-section (*1*) shall take the necessary steps for the segregation of such person.

(*3*) If any person contravenes the provisions of sub-section (*1*), he shall be punishable with fine which may extend to fifty rupees.

Compulsory inoculation in cases of epidemics.

11. (*1*) When in any area there is an outbreak of epidemic disease the Provincial Government may issue a notification to that effect in the *Official Gazette* and during the period the notification is in force, the controlling officer may by order require

that no employer in the said area shall retain in his employment any person if that person or any of the members of his household is not inoculated, vaccinated or revaccinated against the disease within twelve days of the date of the order made by the controlling officer or within twelve days from the date of employment of such person whichever is later.

(2) If any person fails to comply with any order made under sub-section (*1*), he shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with an additional fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

Controlling officers to be public servants.

12. All controlling officers shall be deemed to be public servants within the meaning of the Indian Penal Code. XLV of 1860.

Power of controlling officer to enter and inspect places.

13. The controlling officer or a person authorised by him in writing in this behalf may enter and inspect any place within his jurisdiction for the purpose of verifying whether the provisions of this Act and of the regulations and orders issued thereunder are being complied with.

Protection to persons acting under this Act.

14. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

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STATEMENT

Epidemics of cholera in the Province of Bombay which caused a large number of deaths were found to have originated in congregations of labourers employed in canal areas in connection with the crushing, etc., of sugar-cane.

2. Labourers' housing conditions in these areas, including those of some sugar factories, are incompatible with decent sanitation. The temporary huts often consist of brush-wood, thatch or bamboo matting without any plinth, and with no windows or other means of ventilation except an opening which serves as a door. Inside the huts no person can stand upright. Often no adequate provision is made for supply of drinking water. Too frequently, it is obtained from the nearest nulla or irrigation channel or stagnant pool of percolation water, all of which sources are normally polluted by human and animal excreta and by manures from crops which are washed down into the water. Latrines are seldom provided, and the banks of irrigation channels and of other water supplies are resorted to for the purposes of nature. It is obvious that such conditions afford an ideal field for the rapid extension of cholera and similar diseases.

3. At the present time, the War Department has to erect a large number of camps, stores, and other constructions for purposes in connection with the war, and large bodies of labour are collected by contractors for such works, and in the year 1942 cholera appeared in at least one such camp. Though conditions in these camps, largely owing to lack of water, are not normally so dangerous as in the sugar-cane areas, they constitute centres of infection which may at any time, by reason of an epidemic breaking out, affect the general public, quite apart from the loss of life among the labourers themselves.

4. During the year 1943, 7,797 deaths were reported from cholera epidemic in the Province. During the same year 629 deaths were reported from plague. The danger of these diseases breaking out is always potent, more so at present on account of the abnormal times through which we are passing.

5. It is impossible for the Government of Bombay now to neglect the potential danger of assemblies of labourers under conditions which are peculiarly liable to endanger the health of the Province. In municipal areas, such assemblies can be controlled under the municipal sanitary and building by-laws and rules. Outside municipal areas, speaking broadly, sanitary regulations are the concern of the district local boards. The district local boards have in few, if any, cases made any general sanitary regulations, neither have they the staff to enforce such sanitary regulations, nor the funds to pay for such staff on the requisite scale.

6. The Government of Bombay, therefore, finds it desirable to take powers themselves to control such labour housing and sanitation in areas outside municipal and cantonment limits, and to make orders which will ensure that employers of labour provide reasonable sanitary conditions and open provision shops for their labour in such areas. The Bill will confer these powers on Government.

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